

COPY

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U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.

FILED

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No.

DR. LILLIAN GLASS,

Plaintiff,

v.

MARSHA PETRIE SUE; JOHN
WILEY & SONS, INC.; SIX
VOICES, LLC; and DOES 1 through
10, inclusive,
Defendants.

CV09-8570 MMM (SHx)

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT; FALSE
DESIGNATION OF ORIGIN;
COMMON LAW TRADEMARK
INFRINGEMENT; STATUTORY
UNFAIR COMPEITION; COMMON
LAW UNFAIR COMPETITION
DEMAND FOR JURY TRIAL**

1 COMES NOW, PLAINTIFF DR. LILLIAN GLASS (“Glass” or “Plaintiff”) and
2 complains of and alleges the following:
3

4 **INTRODUCTION AND OVERVIEW**

5 1. This case involves claims of copyright infringement, false designation of
6 origin and unfair competition. Plaintiff Dr. Lillian Glass is a expert on communication
7 skills, body language and self-improvement. She frequently appears in the mainstream
8 media on popular television shows and in magazines. She has written 15 books, most
9 of which are now on tape. One of her most well-received and popular books is “Toxic
10 People,” published in 1995. “Toxic People” was the culmination of years of work and
11 research by Plaintiff, and she has used “Toxic People” not just as a book title, but in
12 connection with audio tapes, CD’s, audio downloads, DVDs, lectures, presentations and
13 written materials and personal consultations with clients.
14

15 2. Defendant Marsha Petrie Sue (“Petrie Sue”) has also published a book
16 using the phrase “Toxic People” in the title. Plaintiff alleges that Petrie Sue’s book
17 infringes on Plaintiff’s copyrights and creates a false impression that Petrie Sue’s book
18 is associated with Plaintiff’s goods and services.
19

20 **JURISDICTION AND VENUE**

21 3. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331,
22 1338(a), 1338(b) and 1332. This Court has supplemental jurisdiction over the state law
23 claims under 28 U.S.C. § 1367.
24

25 4. The claims asserted herein arose in this judicial district and all Defendants
26 do business in this judicial district.
27
28

1 phone programs throughout the United States via its website. On information and
2 belief, Six Voices has created and distributes an iPhone "app" called "Toxic People."

3 10. Plaintiff is informed and believes and based thereon alleges that Defendant
4 John Wiley & Sons, Inc. ("Wiley") is a New York Corporation with its principal place
5 of business in Hoboken, New Jersey. Wiley has published and distributed books into
6 this District, including Defendant's book at issue in this matter.

7 11. Plaintiff is informed and believes and based thereon alleges that
8 Defendants DOES 1 through 10, inclusive, created, assembled, distributed,
9 manufactured and/or sold goods or services that misappropriated Plaintiff's "Toxic
10 People" mark and wrongfully copied Plaintiff's expression. The true names and
11 capacities, whether corporate, individual or otherwise, of the Defendant DOES 1
12 through 10, inclusive, are unknown to Plaintiff who therefore sues said Defendants by
13 such fictitious names, and will ask leave to amend this Complaint to show their true
14 names and capacities when the same have been ascertained.

15 12. Plaintiff is informed and believes and based thereon alleges that at all times
16 relevant hereto, each of the Defendants, including without limitation the DOE
17 Defendants, was the agent, affiliate, officer, director, manager, principal, partner, joint
18 venturer, alter-ego and/or employee of the remaining Defendants and was at all times
19 acting within the scope of such agency, affiliate, officer, director, manager, principal,
20 partner, joint venturer, alter-ego and/or employment relationship and actively
21 participated in, or subsequently ratified and adopted, or both, each and all of the acts or
22 conduct alleged herein, with full knowledge of all the facts and circumstances,
23 including, but not limited to, full knowledge of each and all of the violations of
24 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.
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FACTS COMMON TO ALL CLAIMS FOR RELIEF

13. Plaintiff repeats, realleges and incorporates by reference in this paragraph the allegations contained in paragraphs 1 to 12 of this Complaint as if fully set forth herein.

14. Plaintiff is a well-known author whose copyrighted works have been sold worldwide for over 20 years. Plaintiff pioneered work on self-esteem, speech and body language that resulted in several books, including "Toxic People," "The Complete Idiots Guide To Understanding Men and Women," "I Know What You Are Thinking," "He Says, She Says," and "The Complete Idiot's Guide to Verbal Self Defense." Celebrities such as Sean Connery and Dustin Hoffman, Marlee Matlin, Ben Vereen, Dolph Lundgren, Mickey Rourke, Melanie Griffith and others have used Plaintiff's services and endorsed her work.

15. Plaintiff appears regularly on television. She has appeared on, for instance, "Nancy Grace," "ABC's Dancing With the Stars," "Entertainment Tonight," "The Insider," "Access Hollywood," "Showbiz Tonight," "Prime News," "MSNBC News," "The Today Show," "The Early Show," "Fox News," "Chelsea Lately," "Headline News" and "Dr. Phil." She has a monthly column in "Cosmopolitan Magazine," and has appeared in magazines such as "Life and Style," "Globe," "In Touch Weekly," "OK," "US Weekly," "First for Women," "Glamour," "People Magazine," and "Newsweek."

16. Plaintiff began her career as a speech pathologist, obtaining a Masters Degree from the University of Michigan and a Ph.D. from the University of Minnesota at age 24. Her doctoral dissertation on the psychosocial aspects of patients with craniofacial anomalies and speech in relation to these patients became a landmark study. Through her work as a speech pathologist during the late 1970's and 1980's Plaintiff began to listen to her clients discuss personal problems as they worked on their

1 speech and voice issues. Plaintiff's technique at the time was to ask her clients to
2 discuss whatever they would like so that they could talk freely and work on speech and
3 voice patterns. Many clients began to talk about themselves.

4 17. During these sessions, Plaintiff began to put together archetypical
5 characters that many of her clients seemed to encounter again and again. She created a
6 taxonomy of personality types that she labeled "Toxic People." Plaintiff found that
7 once her clients began to understand their interactions with these difficult people, they
8 were able to adjust their speech and voice patterns and body language and ultimately
9 became more confident and self-reliant.

10 18. As early as 1980, Plaintiff began using the phrase "Toxic People" to
11 describe a set of personality types and a set of techniques for dealing with these
12 personalities. In 1980, Plaintiff obtained a Post Doctorate position in Medical Genetics
13 at the UCLA School of Medicine. She researched speech and hearing and psychosocial
14 issues of patients with a variety of genetic diseases. Dr. Glass' research has been
15 published in dozens of journals including the "New England Journal of Medicine."
16 Plaintiff and a colleague also discovered a genetic syndrome called the Glass-Gorlin
17 Syndrome.
18

19 19. In 1995, Plaintiff published a book called "Toxic People: 10 Ways to Deal
20 with People Who Make Your Life Miserable." The hardcover was published by Simon
21 & Schuster. In 1997, St. Martins Press published a softcover version. The book has
22 been translated into ten languages.

23 20. Soon, Plaintiff was called upon to deliver Toxic People lectures. Plaintiff
24 conducted Toxic People seminars. She produced Toxic People handouts and materials
25 at these lectures. On the heels of "Toxic People," Plaintiff became a staple on daytime
26 television in the mid to late 90's, appearing regularly on "The Rikki Lake Show," "The
27 Geraldo Rivera Show," "The Montel Williams Show," "The Gordon Elliot Show,"
28

1 “Sally Jesse Raphael,” “The Maury Povich Show,” and “Inside Edition”. Plaintiff also
2 made appearances on the “Oprah Winfrey Show” and on “Larry King Live.”

3 21. Plaintiff went on to published six more books. She remains a regular on
4 television. Following below is just a sampling of Dr. Glass’s media appearances in the
5 last month. November 13, 2009: “Nancy Grace” Commentator; November 10, 2009:
6 “Fox News” Commentator on Ft. Hood suspect’s body language; November 10, 2009:
7 “Dr. Phil Show” guest on lying; November 4: Commentator on “Headline News.”

8 22. Dr. Glass’s work on the “Toxic People” material has spawned books by
9 other authors. Some of the books published in this area include: “Toxic Parents,”
10 “Toxic Workplace” and “Toxic Co-Workers.” She has even written another book in the
11 Toxic genre herself called “Toxic Men- Identify Deal With and Heal From Men Who
12 Make Your Life Miserable” which will be published in 2010 by Adams Media. Dr.
13 Glass found the expansion of her Toxic People work to be flattering and affirming.
14 Indeed, Dr. Glass has received dozens of fan letters from people thanking her for
15 “Toxic People”, including those from an entire cadre of fans in Poland.
16

17 23. However, in late 2008, Dr. Glass became aware that Defendant Petrie Sue
18 had written a book called “Toxic People: Decontaminate Difficult People At Work.”
19 Upon further inspection, Dr. Glass found the book contained many instances of exact,
20 verbatim copying from Dr. Glass’s books, including “He Said, She Said” and “The
21 Complete Idiot’s Guide to Understanding Men and Women,” as well as significant
22 borrowing from “Toxic People”, “Say It Right” and “The Complete Idiot’s Guide to
23 Verbal Self Defense.” Dr. Glass obtained counsel and contacted the publisher of Petrie
24 Sue’s book, Defendant Wiley. Examples of verbatim copying are attached hereto as
25 Exhibit A.

26 24. Several letters were exchanged between representatives for Dr. Glass and
27 Wiley, but the parties were unable to reach an agreement on how to deal with the
28 alleged infringement. On information and belief, Defendant Petrie Sue denied ever

1 reading any of Plaintiff's books. Eventually, Wiley attempted to extract a promise
2 from Dr. Glass that she would not sue Wiley for any claims regarding the books. As
3 bait for that attempted agreement, Wiley promised to review Dr. Glass's book
4 proposals.

5 25. However, on information and belief, Wiley's actions were not in good
6 faith, and, if an agreement was reached, it was not performed by Wiley. For example,
7 on information and belief, Wiley never intended to consider Dr. Glass's book proposals.

8 26. Wiley asked for numerous detailed proposals. Dr. Glass visited Wiley's
9 offices in New Jersey and met with Wiley's business book editor (and Petrie Sue's),
10 Matthew Holt. Mr. Holt expressed interest in one of Dr. Glass's ideas. However, on
11 information and belief, Wiley never intended to genuinely consider Dr. Glass's ideas
12 but used that possibility to obtain a "confirming letter" that Dr. Glass would not assert a
13 copyright claim against Wiley. Dr. Glass never signed a release of any claims, nor did
14 she waive Cal. Civ. Code Section 1542, which provides that any release of known
15 claims does not release unknown claims. Then Wiley abruptly declared in October,
16 2009 that it was not interested in any of Dr. Glass's proposals.

17 27. Shortly thereafter, Wiley debuted the next book by Defendant Petrie Sue.
18 Promotion for that book identifies Petrie Sue as "the author of *Toxic People*." Wiley
19 knew or should have known that Dr. Glass is the author of "Toxic People" and holder of
20 trademark and related rights in that name because Wiley has actually marketed Dr.
21 Glass's books "I Know What You're Thinking" as being written by "the author of *Toxic*
22 *People*."

23 28. On information and belief, Defendants have progressively encroached on
24 Dr. Glass's trademark and related rights in Toxic People. For instance, on information
25 and belief, in 2001, Defendant Petrie Sue was using the phrase "Decontaminate Toxic
26 People!™" to describe a seminar. In 2008, Petrie Sue's book was published with the
27 title "Toxic People: Decontaminate Difficult People At Work Without Using Weapons
28

1 Or Duct Tape.” Most recently, Petrie sue has been working with Defendant Six Voices
2 to, on information and belief, create and distribute an iPhone app entitled “Toxic
3 People.” Each page of that app displays a small box reading only “Toxic People” and
4 Petrie Sue is identified as the author of “Toxic People.” A screen shot of Defendants
5 “Toxic People” app are attached hereto as Exhibit B. On information and belief,
6 approximately 500 copies of the Toxic People app are downloaded each day.

7 29. Plaintiff has obtained copyright registrations on all of her works. True and
8 correct copies of registration printouts from the Copyright Office’s web page for “Toxic
9 People,” “He Says, She Says,” and “The Complete Idiot’s Guide to Understanding Men
10 and Women,” and “Say It Right are attached hereto as Exhibit C. These works are
11 hereinafter referred to as “the Subject Works.”

12 **First Claim For Relief**

13 **(Against Defendants Petrie Sue and Wiley for Copyright Infringement**

14 **Pursuant to 17 U.S.C. § 501, et seq.)**

15 30. Plaintiff repeats, realleges and incorporates by reference in this paragraph
16 the allegations contained in paragraphs 1 to 29 of this Complaint as if fully set forth
17 herein.

18 31. Plaintiff is informed and believes and based thereon alleges that
19 Defendants Petrie Sue and Wiley, including all DOE Defendants, their customers and
20 suppliers and each of them, had access to the Subject Works, including without
21 limitation: (a) access through bookstores, including online bookstores such as
22 Amazon.com; (b) access through television via Plaintiff’s appearance on popular
23 television shows; (c) access through the Internet; and (d) access through customers
24 and/or suppliers.

25 32. Attached hereto as Exhibit A is a sample comparison of some of the
26 Subject Works and Defendant Petrie Sue’s “Toxic People,” published and distributed
27 by Defendant Wiley. Additional copying of the Subject Works includes re-telling of
28

1 substantially similar anecdotes arranged a manner substantially similar to the Subject
2 Works.

3 33. Plaintiff is informed and believes, and based thereon alleges, Defendants
4 Wiley and Petrie Sue, and each of them, wrongfully created copies of the copyrighted
5 Subject Works without Plaintiff's consent and engaged in acts of affirmative and
6 widespread self-promotion of the copies directed to the public at large by distributing
7 said copies with a false and misleading designation of creation, ownership and origin,
8 and falsely representing that the Subject Works were their own.

9 34. Plaintiff is informed and believes and based thereon alleges that
10 Defendants Wiley and Petrie Sue, and each of them, further infringed Plaintiff's
11 copyright by making derivative works from Plaintiff's copyrighted Subject Works,
12 and/or by producing and distributing written materials incorporating those derivative
13 works without Plaintiff's permission. Defendants then engaged in acts of affirmative
14 and widespread self-promotion of the copies directed to the public at large by publicly
15 claiming ownership rights in and to the derivative works based on the Subject Works
16 that belong solely to Plaintiff.

17 35. Plaintiff is informed and believes and based thereon alleges that
18 Defendants Petrie Sue and Wiley, and each of them, if not directly liable for
19 infringement of Plaintiff's copyright, are also liable for contributory copyright
20 infringement because each Defendant knew or should have known of the direct
21 infringement, had the right and ability to supervise the infringing conduct, and had an
22 obvious and direct financial interest in the infringing conduct.

23 36. Plaintiff is informed and believes and based thereon alleges that
24 Defendants Petrie Sue and Wiley, and each of them, if not directly liable for
25 infringement of Plaintiff's copyright, are also vicariously liable for the subject
26 infringements because each Defendant enjoys a direct financial benefit from another's
27 infringing activity and has the right and ability to supervise the infringing activity.
28

1 37. Plaintiff is informed and believes and based thereon alleges that
2 Defendants Petrie Sue and Wiley and each of them knew of Plaintiff's works, and,
3 notwithstanding Plaintiff's demands that these Defendants cease and desist from their
4 infringement, Defendants have willfully, intentionally and maliciously, and in
5 conscious disregard for Plaintiff's rights, and only in furtherance of those Defendants'
6 sole pecuniary interests, continued to manufacture and/or sell printed materials
7 infringing on Plaintiffs' copyrights in the Subject Works.

8 38. Defendants' acts of copyright infringement and acts of affirmative and
9 widespread self-promotion of the copies directed to the public at large, as alleged
10 above, have caused Plaintiff to suffer, and to continue to suffer, substantial damage to
11 her business in the form of diversion of trade, loss of income and profits, and a dilution
12 of the value of her rights.

13 39. Further, as a direct result of the acts of copyright infringement and acts of
14 affirmative and widespread self-promotion of the copies directed to the public at large
15 alleged above, Defendants Petrie Sue and Wiley, and each of them, have obtained direct
16 and indirect profits they would not otherwise have realized but for their infringement of
17 Plaintiff's copyrighted Subject Works. Plaintiff is entitled to disgorgement of each
18 Defendant's profits directly and indirectly attributable to said Defendant's infringement
19 of the Subject Works.
20

21 **SECOND CLAIM FOR RELIEF**
22 **(Against All Defendants For False Designation**
23 **Of Origin, 15 U.S.C. § 1125(a))**

24 40. Plaintiff repeats, realleges and incorporates by reference in this paragraph
25 the allegations contained in paragraphs 1 to 29 of this Complaint as if fully set forth
26 herein.

27 41. Plaintiff has built considerable goodwill and public recognition in the
28 "Toxic People" trademark and service mark.

1 42. Plaintiff has never authorized or consented to the Defendants' use of Toxic
2 People. Defendants' use of Toxic People is likely to cause, confusion, mistake, and/or
3 deception of others as to the origin, sponsorship, approval, affiliation, or association of
4 Defendants' goods and services and Plaintiff's goods and services, in violation of the
5 Section 43(a) of the Lanham Act, codified at 15 U.S.C. § 1125(a).

6 43. Defendant's use of Plaintiff's Toxic People marks has caused and
7 will continue to cause damage to Plaintiff an amount to be proven at trial, and
8 constitutes unfair competition and infringement of Plaintiff's marks in violation of 15
9 U.S.C. § 1125(a).

10 44. Defendants' conduct has irreparably damaged and will continue to
11 irreparably damage Plaintiff's market reputation, and goodwill, and may discourage
12 current and potential customers from dealing Plaintiff. Such irreparable harm will
13 continue unless Defendants' actions are enjoined during the pendency of this action,
14 and thereafter.

15 45. Plaintiff is informed and believes and based thereon alleges that
16 Defendants' acts alleged herein have been undertaken with full knowledge of Plaintiffs'
17 rights and with the willful and deliberate intent to cause confusion, mistake and
18 deception among members of the relevant public and to trade on the goodwill
19 associated with the Plaintiff's Toxic People marks.

20
21 **THIRD CLAIM FOR RELIEF**
22 **(Against all Defendants for**
23 **Common Law Trademark Infringement)**

24 46. Plaintiff repeats, realleges and incorporates by reference in this paragraph
25 the allegations contained in paragraphs 1 to 29 of this Complaint as if fully set forth
26 herein..

27 47. The above-described acts of Defendants constitute common law trademark
28 infringement. Such acts have caused and will continue to cause irreparable and
immediate injury to Plaintiff for which plaintiff has no adequate remedy at law. Unless

1 defendants are restrained by this Court from continuing the acts alleged herein, these
2 injuries will continue to occur.

3 48. On information and belief, the foregoing acts of the Defendants are
4 fraudulent, oppressive, willful and malicious in that they have been undertaken with a
5 conscious disregard of the plaintiff's rights and with a desire to injure the plaintiff's
6 business and to improve their own, and entitle Plaintiff to punitive or exemplary
7 damages.

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9
10 **FOURTH CLAIM FOR RELIEF**

11 **(Against All Defendants for
12 Unfair Competition, Cal. Bus. & Prof. Code § 17200)**

13 49. Plaintiff repeats, realleges and incorporates by reference in this paragraph
14 the allegations contained in paragraphs 1 to 29 of this Complaint as if fully set forth
15 herein.

16 50. The above-described acts of defendants constitute unfair competition
17 within the meaning of California Business and Professions Code § 17200. Such acts
18 have caused and will continue to cause irreparable and immediate injury to plaintiff for
19 which plaintiff has no adequate remedy at law. Unless defendants are restrained by this
20 Court from continuing the acts alleged herein, these injuries will continue to occur.

21 **FIFTH CLAIM FOR RELIEF**

22 **(Against All Defendants for
23 Common Law Unfair Competition)**

24 51. Plaintiff repeats, realleges and incorporates by reference in this paragraph
25 the allegations contained in paragraphs 1 to 29 of this Complaint as if fully set forth
26 herein.

27 52. The above-described acts of Defendants constitute common law unfair
28 competition in that Defendants are passing off their goods as those of the Plaintiffs.
Such acts have caused and will continue to cause irreparable and immediate injury to

1 Plaintiff for which Plaintiff has no adequate remedy at law. Unless Defendants are
2 restrained by this Court from continuing the acts alleged herein, these injuries will
3 continue to occur.

4 53. On information and belief, the foregoing acts of the Defendants are willful
5 and malicious in that they have been undertaken with a conscious disregard of the
6 Plaintiff's rights and with a desire to injure the Plaintiff's business and to improve their
7 own, such that punitive or exemplary damages should be awarded against Defendant.

8
9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff prays for judgment as follows:

11 1. For an order permanently enjoining the Defendants, their officers, agents,
12 employees, and those acting in concert or conspiracy with them from:

13 a. Directly or indirectly manufacturing, producing, printing, distributing,
14 importing, trafficking in, selling, offering for sale, possessing, advertising, promoting or
15 displaying any products, including books, bearing any simulation, reproduction, copy
16 or colorable imitation of the Toxic People trademark and service mark;

17 b. Directly or indirectly manufacturing, producing, printing, distributing,
18 importing, trafficking in, selling, offering for sale, possessing, advertising, promoting or
19 displaying any products, including books, bearing any simulation, reproduction, copy or
20 colorable imitation of Plaintiff's copyrighted works;

21 c. Making any unauthorized use of Toxic People in such a way as to cause
22 confusion, mistake or deception as to the affiliation, connection or association of the
23 Defendants with Plaintiff or as to the origin, sponsorship or approval of Defendants'
24 products or services;

25 d. Otherwise infringing Plaintiff's rights in and to the Toxic People
26 trademark or service mark;

1 e. For an order directing the Defendants to deliver for destruction all books,
2 software and promotional items in their possession, or under their control, bearing or
3 intended to bear the phrase Toxic People.

4 f. For an order directing the Defendants to deliver for destruction all books or
5 printed material in their possession, or under their control, having any portion therein of
6 Plaintiff's copyrighted works;

7 2. For a finding that the defendants' acts complained of herein were willful
8 within the meaning of 15 U.S.C. § 1117(c)(2);

9 3. For a monetary award in an amount equal to (i) the Plaintiff's actual
10 damages, including corrective advertising, and (ii) to the extent not included in
11 Plaintiff's actual damages, the Defendants' profits arising from their acts complained
12 of, such damages and profits to be trebled under 15 U.S.C. § 1117(a);

13 4. For an award of pre-judgment interest and post-judgment interest in the
14 maximum amount permitted by law;

15 5. For an award of costs under 15 U.S.C. § 1117(a);

16 6. For a finding that this is an exceptional case within the meaning of, and for
17 an award of attorneys' fees pursuant to, 15 U.S.C. § 1117(a);

18 7. For a finding that the Defendants' acts were undertaken, intentionally,
19 maliciously and/or with a reckless and wanton disregard of the plaintiff's common law
20 trademark rights and for an award of exemplary damages pursuant to California Civil
21 Code section 3295 in an amount sufficient to punish, deter, and make an example of
22 defendants for the acts complained of herein;

23 8. For an award of costs;

24 9. That Plaintiff be awarded all profits of Defendants, and each of them, plus
25 all losses of Plaintiff, the exact sum to be proven at the time of trial, or, if elected before
26 final judgment, statutory damages, as available under the Copyright Act, 17 U.S.C. §
27 101 et seq.;

1 10. That Plaintiff be awarded its attorneys' fees as available under the
2 Copyright Act, 17 U.S.C. § 101 et seq.;

3 11. That Defendants, and each of them, account to Plaintiff for their profits and
4 any damages sustained by Plaintiff arising from the foregoing acts of infringement;

5 12. That Plaintiff be awarded such further legal and equitable relief as the
6 Court deems proper.

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8 Dated: *November 26, 2009*

KARISH & BJORGUM, PC

9
10 By: 
11 A. Eric Bjorgum
12 Attorneys for Plaintiff
13 DR. LILLIAN GLASS
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury in this action pursuant to F.R.C.P.
38 and the Seventh Amendment of the Constitution.

Dated: November 17, 2007

KARISH & BJORGUM, PC

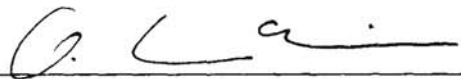
By: 
A. Eric Bjorgum
Attorneys for Plaintiff
DR. LILLIAN GLASS

EXHIBIT A

MARSHA PETRIE SUE TOXIC PEOPLE Decontaminate Difficult People At Work Without Using Weapons or Duct Tape John Wiley and Sons 2007	DR. LILLIAN GLASS HE SAYS SHE SAYS Closing the Communication Gap Between the Sexes Perigee, 1992 THE COMPLETE IDIOT'S GUIDE TO UNDERSTANDING MEN AND WOMEN Alpha Books Penguin Group 2000
Women Take Care: Men Take Charge, pp. 198 - 201	HE SAYS SHE SAYS pp. 219 - 221
<u>What women need to do in the business world when working with men</u>	<u>What women need to do in the business world when working with men</u>
<u>Do not minimize your accomplishments at work.</u>	1. Do not minimize your accomplishments at work. If you have done something that you're proud of, do not be afraid to express it. Men are conditioned to proclaim they are the "greatest" at certain things. Do not be afraid to follow suit.
<u>Keep discussions focused on job-related issues or news events.</u>	2. Never discuss anything personal at work. Instead talk about job-related issues, news events, and even sports as these are topics most men can relate to. ***
<u>Lower the pitch of your voice.</u>	7. Lower the pitch of your voice so that you will sound like an intelligent, professional woman. High-pitched voices sound less credible and childlike. ***
<u>Get to the point and include who, what, when, where, and how.</u>	9. Get to the point. Do not beat around the bush. Your primary statement should include "who," "what," "when," "where," and "how."...
<u>Do not use tag endings, such as "isn't it?" or "right?"</u>	11. Do not use "tag endings," which makes you seem unsure of yourself, <u>such as, "This is a difficult report, isn't it."</u>

<u>Drop your tone down to make a declarative statement.</u>	12. Do not answer a question with a question. If someone asks you the time, for example, don't use an upward inflection and say "It's two o'clock?" Rather, <u>drop your tone down to make a declarative statement.</u>
<u>Monitor your head-nodding and smiles.</u>	26. <u>Monitor your head-nodding and smiles.</u> Try to keep them at a minimum during business interactions. If not, you may miscommunicate how you really feel about a situation.
<u>Do not apologize unless you are wrong</u>	27. <u>Do not apologize unless you are wrong.</u> Stop saying I'm sorry" just to be polite.
	<p>See also, The Complete Idiot's Guide to: UNDERSTANDING MEN AND WOMEN</p> <p>"The Complete Idiots Reference Card"</p> <p>Communication Between the Sexes: Life in General. When Woman Talk to Men:</p> <ol style="list-style-type: none"> 1. <i>Be direct. <u>Get to the point.</u></i> 2. <i>Talk about accomplishments.</i> <p>Communication Between the Sexes: In the Boardroom. When Woman Talk to Men:</p> <ol style="list-style-type: none"> 2. Don't discuss personal life 3. <u>Don't use "tag endings," such as "isn't it"</u> *** 5. <u>Don't apologize unless you are wrong.</u> *** 7. <u>Monitor smiles and head nods.</u> 8. <u>Get to the point.</u> 9. Speak louder and with confidence.

p. 200	HE SAYS SHE SAYS Pp. 223 - 224
<u>What men need to do in the business world when working with women</u>	<u>What Men Need To Do in The Business World When Working with Women</u>
<u>Use more terms of politeness like "Please" and "Thank You"</u>	3. <u>Use more terms of politeness</u> when speaking with women. Do not forget the key words <u>"Please" and "Thank you."</u>
<u>Do not be afraid to ask for help - forget about your ego.</u>	5. <u>Do not be afraid to ask for help.</u> The sooner you ask for assistance, the quicker you will receive it and accomplish what you have to do. <u>Forget about your ego.</u>
<u>Provide more facial and verbal feedback</u>	7. <u>Provide more facial and verbal feedback</u> during conversation with women.
<u>Make more polite requests instead of barking out commands.</u>	4. <u>Do not bark out commands</u> or orders when talking to women. Instead, <u>make more polite requests.</u>
<u>Control your temper and handle yourself in a professional manner.</u>	6. Do not yell or curse to release frustration at work. Instead <u>control your temper and handle yourself in a professional manner</u>
<u>Do not address women with condescending terms like honey, sweetheart, babe or dear.</u>	8. <u>Do not address women as "honey," "dear," "babe," "gal," "girl," or "sweetheart"</u> - they may interpret these terms as chauvinistic and condescending
<u>Do not interrupt or monopolize conversations.</u>	9. <u>Do not interrupt or monopolize conversations</u> or ever speak for a woman
	See also, The Complete Idiot's Guide to: UNDERSTANDING MEN AND WOMEN "The Complete Idiots Reference Card" before title page. Communication Between the Sexes: In the Board Room: When Men Talk to Women: 2. <u>Don't interrupt.</u> 3. <u>Provide more verbal feedback.</u>

	<p>4. <u>Provide more facial feedback.</u></p> <p>5. <i>Don't issue commands or orders.</i></p> <p>***</p> <p>7. <i>Use terms of politeness always, such as "please."</i></p> <p>***</p> <p>9. <u>Control your</u> anger and <u>temper.</u></p>
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EXHIBIT B

of the most important
indicators of dishonesty is change
in behavior. Pay attention to
someone who is generally anxious
and now looks calm. Or, someone
who is generally calm but now
looks anxious. The trick is to
watch their behavior against
what you already know. Is a
person's behavior pulling away
from you or leaning in toward
you? Is it more or less than
usual?



EXHIBIT C

Type of Work: Text

Registration Number / Date:
TX0004095685 / 1995-06-02

Title: Toxic people : 10 ways of dealing with people who make your
life miserable / Lillian Glass.

Imprint: New York : Simon & Schuster, c1995.

Description: 283 p.

Copyright Claimant:
Lillian Glass

Date of Creation: 1994

Date of Publication:
1995-04-11

Names: Glass, Lillian

=====

Type of Work: Text

Registration Number / Date:
TX0003405305 / 1992-09-17

Title: He says, she says : closing the communication gap between
the sexes / Lillian Glass.

Description: 251 p.

Copyright Claimant:
Lillian Glass

Date of Creation: 1992

Date of Publication:
1992-07-17

Names: Glass, Lillian

=====

Type of Work: Text

Registration Number / Date:
TX0005304562 / 2000-04-28

Title: The Complete Idiot's Guide to understanding men and women /
by Lillian Glass.

Imprint: Indianapolis : Alpha Books, c2000.

Description: 288 p.

Copyright Claimant:
Lillian Glass

Date of Creation: 2000

Date of Publication:
2000-01-15

Copyright Note: C.O. correspondence.

Names: Glass, Lillian

=====

Type of Work: Text

Registration Number / Date:
TX0002982881 / 1991-01-18

Application Title: Talking etiquette.

Title: Say it right / Lillian Glass.

Description: 240 p.

Copyright Claimant:
Lillian Glass

Date of Creation: 1990

Date of Publication:
1991-01-10

Names: Glass, Lillian

=====

A. ERIC BJORGUM (SBN 198392)
 KARISH & BJORGUM PC
 510 W. 6th St., Suite 308
 Los Angeles, CA 90014

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

DR. LILLIAN GLASS

CASE NUMBER

PLAINTIFF(S)

CV09-8570 MMM (SHx)

v.

MARSHA PETRIE SUE; JOHN
 WILEY & SONS, INC.; SIX
 VOICES, LLC; and DOES 1 though
 10, inclusive,

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): MARSHA PETRIE SUE; JOHN WILEY & SONS, INC.; SIX VOICES; and
 DOES 1 - 10.

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, A. Eric Bjorgum, whose address is Karish & Bjorgum, PC, 510 W. 6th St., Suite 308, Los Angeles, CA 90014. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: 20 NOV 2009

By: SHEA BOURGEOIS
 Deputy Clerk



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> DR. LILLIAN GLASS	DEFENDANTS MARSHA PETRIE SUE; JOHN WILEY & SONS, INC.; SIX VOICES.
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) KARISH & BJORGUM, PC 510 W. 6th St., Suite 308, Los Angeles, CA 90013 (213) 785-8070	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify):
☐ 6 Multi-District Litigation
☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ According to proof; prelim. inj.

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
17 U.S.C. Section 501, et seq (copyright infringement) and 15 U.S.C. Section 1125 (Lanham Act false designation of origin).

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General <input type="checkbox"/> 540 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV09-8570

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Dr. Lillian Glass -- Los Angeles County	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Marsha Petrie Sue -- Arizona John Wiley & Sons, Inc. -- New York Six Voices -- North Carolina or Michigan

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): *[Signature]* Date Nov. 19, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))